## UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA CHARLESTON DIVISION

David M. McClure, Jr.,

Petitioner,

SUMMARY JUDGMENT IN A CIVIL CASE

vs.

Case Number: 2:06-1076-HMH-RSC

State of South Carolina; John Ozmint, Commissioner, South Carolina Department of Corrections,

Respondents.

**Decision on the Record.** This action came before the court on the record, Honorable Henry M. Herlong, Jr., U.S. District Judge, presiding. The issues have been reviewed and a decision rendered. The Court having adopted the Report and Recommendations of Magistrate Judge Robert S. Carr,

IT IS ORDERED AND ADJUDGED that Summary Judgment is granted as to the

Respondents, and the Petitioner shall take nothing on his Petition filed pursuant to

28: U.S.C.§2254.

LARRY W. PROPES, Clerk

By s/Susan K. Sanders

Deputy Clerk

June 6, 2007